

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAHEED KELLY and HAKEEM HARRIS,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. 3:20-cv-143
	)	Judge Stephanie L. Haines
PENNSYLVANIA DEPARTMENT OF	)	Magistrate Judge Maureen P. Kelly
CORRECTIONS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This is a civil rights case brought under 42 U.S.C. § 1983 by Shaheed Kelly and Hakeem Harris (“Plaintiffs”) alleging an Eighth Amendment violation arising from the breakdown of the ventilation system at SCI-Chester, where both Plaintiffs were housed at the time of the events giving rise to this action.<sup>1</sup> This matter was referred to Magistrate Judge Maureen P. Kelly for proceedings in accordance with the Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D.

On August 17, 2020, Magistrate Judge Kelly filed a Report and Recommendation [Doc. 10] recommending that this case be transferred to the United States District Court for the Eastern District of Pennsylvania because all of the claims raised in the complaint occurred at SCI-Chester, which is located within the territorial limits of the Eastern District of Pennsylvania. Plaintiffs were notified that they had fourteen days to file written objections to the Report and Recommendation. *See* 28 U.S.C. § 636 (b)(1)(B) and (C) and Local Civil Rule 72.D.2. Neither Plaintiff filed objections and the time to do so has expired.

Upon review of the record and the Report and Recommendation under the applicable

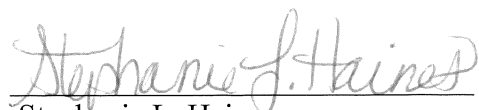
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<sup>1</sup> It appears that Plaintiff Kelly is now housed at SCI-Somerset, while Plaintiff Harris is presently located at SCI-Benner [Doc. 10 p. 2].

“reasoned consideration” standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter. Upon due consideration of the factors to be considered in determining whether a *sua sponte* transfer of venue is appropriate, *see, e.g., Sanchez v. Coleman*, No. 2:13-CV-0982, 2014 WL 7392400, at \* 12 (W.D. Pa. Dec. 11, 2014), Judge Kelly reasonably concluded that a transfer is warranted here because all of the events giving rise to this case occurred at SCI-Chester, located in the Eastern District of Pennsylvania, and none occurred here, and because five of the named defendants worked at SCI-Chester and most likely reside in the Eastern District of Pennsylvania. The Court agrees in whole with Judge Kelly’s well-reasoned Report and Recommendation, and likewise believes that, in the interest of justice, this case should be transferred to the Eastern District of Pennsylvania for the convenience of the parties and witnesses. Accordingly, the following order is entered:

### **ORDER OF COURT**

AND NOW, this 11<sup>th</sup> day of September, 2020, for the reasons set forth in the Magistrate Judge’s Report and Recommendation [Doc. 10], which is adopted as the opinion of the Court, and, pursuant to 28 U.S.C. § 1404(a) and in the interest of justice, IT IS ORDERED that this prisoner civil rights action hereby is **transferred**, *sua sponte*, to the United States District Court for the Eastern District of Pennsylvania for the convenience of the parties and witnesses. The Court shall leave to the sound discretion of the transferee court the determination of all pending motions [Docs. 6, 7, 8, 11 and 13]. The Clerk of Court shall mark this matter closed.

  
Stephanie L. Haines  
United States District Judge